

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
N/S Edmondson Avenue, 164' E of *
Harlem Lane * DEPUTY ZONING COMMISSIONER
(6126 Edmondson Avenue) *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
Case No. 99-216-X
Anthony C. Stilling *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Anthony C. Stilling. The Petitioner seeks approval of a service garage use in an existing building and an accessory use in a proposed storage building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Anthony C. Stilling, property owner, Paul J. Gorman, Architect, and Newton Williams, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of .220 acres, more or less, zoned B.L-A.S., and is improved with an automotive repair facility known as Urban's Auto. The property is located near the northeast corner of Edmondson Avenue and Harlem Lane in Catonsville, adjacent to the Catonsville Car Care Center, also owned by the Petitioner. Testimony indicated that Mr. Stilling acquired the subject property in 1992 and has spent the last several years cleaning up the site. Mr. Stilling recently constructed a 570 sq.ft. storage building on the subject property for use as an accessory structure. However, as a result of

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Date

By

a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management, the Petitioner was advised that he would have to file for proper permits and/or special exception relief in order for the structure to remain on the property.

Further testimony revealed that Mr. Stilling has spent a great deal of time and money cleaning up the property and recently constructed the storage building, which is a Quonset hut-type building, to provide much needed storage space for automobiles and parts. Apparently, the prior owner used the property as a junk yard where abandoned and inoperable automobiles were stored and a tremendous amount of junk and debris were allowed to accumulate on the site. Although Mr. Stilling painted the building to match the color scheme of the existing and adjacent buildings, the structure does not conform to the existing structures, given their masonry construction. Thus, the Office of Planning submitted negative comments and recommended a denial of the special exception request.

At the conclusion of the hearing, the Petitioner met with representatives of the Office of Planning and after further discussing the matter, the Petitioner agreed to remove the storage building by July 1, 1999. However, as he still is in need of additional storage space, Mr. Stilling shall be permitted to construct an addition to the existing building in place of the Quonset hut structure. The proposed addition shall be of similar masonry construction, design and color as the existing buildings. Subsequent to the hearing, the Petitioner submitted a revised site plan incorporating the relief granted herein and the replacement of the Quonset hut structure with a masonry addition to the existing building. Said plan has been accepted and marked into evidence as Petitioner's Exhibit 1A.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses

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Date 5/11/99
By [Signature]

in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

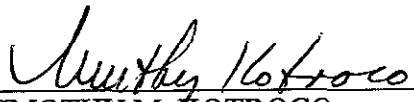
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of May, 1999 that the Petition for Special Exception to approve a service garage use in an existing building, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

ORIGINAL RECEIVED FOR FILING
Date 5/11/99
by [signature]

IT IS FURTHER ORDERED that the Petitioner shall be permitted to construct a masonry addition to the existing building to replace the Quonset hut-type storage building recently constructed, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Quonset hut-type storage building shall be removed by no later than July 1, 1999 and prior to the issuance of any building permits for the proposed addition.
- 3) The proposed addition shall be of the same masonry construction as the existing building, and of similar design and color.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/11/99
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 11, 1999

Newton A. Williams, Esquire
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
N/S Edmondson Avenue, 164' E of Harlem Lane
(6126 Edmondson Avenue)
1st Election District - 1st Councilmanic District
Anthony C. Stilling - Petitioner
Case No. 99-216-X

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Anthony C. Stilling
7019 Gaymount Road, Baltimore, Md. 21244
Mr. Paul J. Gorman
5704 Bellona Avenue, Baltimore, Md. 21212
Code Enforcement Division, DPDM
People's Counsel; Case/File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at #6126 Edmondson Avenue

which is presently zoned BL-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Service Garage use in an existing building and accessory use in a proposed storage building.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Anthony C. Schilling

Name - Type or Print

Signature

Name - Type or Print

Signature

6132 Edmondson Avenue

(410)788-1211

Address

Telephone No.

Baltimore, MD 21228

City

State

Zip Code

Representative to be Contacted:

Vincent J. Moskunus

M&H Development Engineers, Inc.

Name

200 E. Joppa Road, Room 101 (410)828-9060

Address

Telephone No.

Towson, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

1.00 hr

UNAVAILABLE FOR HEARING

Reviewed By

[Signature]

Date

11-24-98

216

ORDER RECEIVED FOR FILING

Date

By

Case No. *99-216-X*

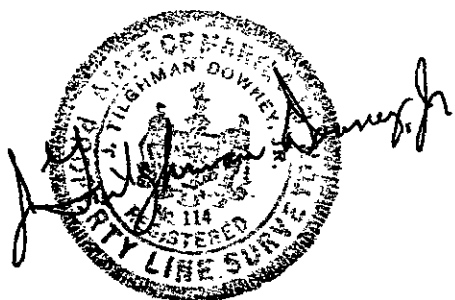
REC 09/15/98

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21286

ZONING DESCRIPTION FOR #6126 EDMONDSON AVENUE

Beginning at a point on the north side of Edmondson Avenue which is 60' wide at the distance of 164' east of Harlem Lane which is 50' wide; thence running N 34° 51' 40" W, 103.63'; thence N 70° 13' 58" E, 106.00'; thence S 24° 19' 51" E, 100.17' and thence by a curve to the left having a radius of 1462.40' and a distance of 86.96' to the place of beginning. As recorded in deed Liber 10148, folio 629. Containing 0.220 acres of land, more or less. Also known as #6126 Edmondson Avenue located in the 1st. Election District, 1st. Councilmanic District.



J. Tilghman Downey, Jr.

216

99-216-X

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Form No. 059185
216

DATE 11-24-98 ACCOUNT R-001-6150
AMOUNT \$ 300.00

RECEIVED FROM: M & H Development Engineering Inc.

FOR: Commercial Special Enforcement
Mr. 6126 Edmondson Ave.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL 11M
10/26/1998 11/26/1998 09:37:02
NET DEBIT CASHIER CLERK CH. DRAWER
5 MISCELLANEOUS RECEIPT
079034
CR NO. 059185
300.00 CHECK
Baltimore County, Maryland

99-216-X

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-216-X
6126 Edmondson Avenue,
N/S Edmondson Avenue, 164
E of Harlem Lane
1st Election District
1st Councilmatic District

Legal Owner(s):
Anthony C. Schilling

Special Exception: for service garage use in an existing building and accessory use in a proposed storage building.

Hearing: Thursday, January 7, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bisley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

12/27/98 Dec. 24 C280675

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/23, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/23, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CASE NUMBER: 99-216-X

PETITIONER/DEVELOPER: () *Anthony C. Schilling*

DATE OF HEARING/CLOSING: () *Jan. 7, 1999*

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN.

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY
THAT THE NECESSARY SIGN (S) REQUIRED BY LAW WERE POSTED
CONSPICUOUSLY ON THE PROPERTY LOCATED AT,

6126 Edmondson Ave. Baltimore, md 21228

THE SIGN (S) WERE POSTED ON, *12-22-98* BY THE UNDERSIGNED.

SINCERELY,

Thomas P. Ogle

THOMAS P. OGLE SR.
325 NICHOLSON RD.
BALTIMORE MD. 21221
(410) 687-8405
(410) 687-4381 (FAX)

RE: PETITION FOR SPECIAL EXCEPTION
6126 Edmondson Avenue, N/S Edmondson Ave,
164' E of Harlem Ln, 1st Election District,
1st Councilmanic

Legal Owners: Anthony C. Schilling

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-216-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Vincent J. Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 3, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-216-X
6126 Edmondson Avenue
N/S Edmondson Avenue, 164' E of Harlem Lane
1st Election District – 1st Councilmanic District
Legal Owner: Anthony C. Schilling

Special Exception for service garage use in an existing building and accessory use in a proposed storage building.

HEARING: Thursday, January 7, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Anthony C. Schilling
M&H Development Engineers, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 24, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



TO: PATUXENT PUBLISHING COMPANY
December 24, 1998 Issue – Jeffersonian

Please forward billing to:

Anthony C. Stilling 410-788-1211
6132 Edmondson Avenue
Baltimore, MD 21228

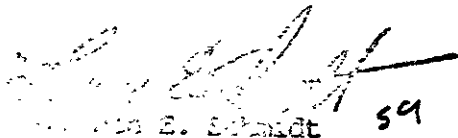
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HEARING: Thursday, January 7, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt 59

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL
410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-216-X
Petitioner: Anthony C. Stilling
Address or Location: *6126 Edmondson Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Anthony C. Stilling
Address: 6132 Edmondson Ave.
Baltimore MD 21228
Telephone Number: (410) 788-1211

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-216-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A Special Exception to allow Service
Garage Use in an existing bldg and a proposed
accessory use storage building

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 387-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Jim
1/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 29, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 6126 Edmondson Avenue

INFORMATION:

Item Number: 216
Petitioner: Anthony C. Schilling
Property Size: .22 acres
Zoning: BL-AS
Requested Action:
Hearing Date: January 7, 1999

The property in question is located within an area used for neighborhood commercial uses, such as a convenience food store, bakery, and drug store along Edmondson Avenue in Catonsville.

The petitioner requests a Special Exception for a service garage use in an existing building and an accessory use in a proposed storage building located at 6126 Edmondson Avenue. The 570 square foot building has been constructed; it has the appearance of a temporary structure, very much like a Quonset hut. Construction without benefit of an approved plan resulted in a citation for Zoning Violation, 98-4398. The case was put on hold pending the outcome of the Special Exception hearing.

The property is adjacent to 6132 Edmondson Avenue, which is under the same ownership and is improved with an existing service garage. Both properties appear to be used in combination with one another. The adjacent site was the subject of previous zoning hearings, Case No. 87-233X which granted a Special Exception for a service garage and Case No. 90-166SPH which amended the plan approved in the prior case, approving a larger addition than that shown on the previous plan. In that instance the structure was constructed in accordance with a building permit that differed significantly from the site plan approved in Case No. 87-233X. In approving the changes to the plan, Deputy Zoning Commissioner Nastarowicz stipulated several restrictions (see copy of attached order). Most notable are the requirements for an approved landscape plan, maintenance of all landscaping and no outside storage of damaged and disabled vehicles. At the

time of a site visit on December 7, 1998, numerous untagged vehicles were noted on both properties, vehicles were observed overhanging the landscaped area along Edmondson Avenue and a truck cab was placed within the landscaped area.

SUMMARY OF RECOMMENDATIONS:

The old adage about it being easier to ask for forgiveness than permission seems to apply here. However, based upon the past history and site conditions, the Office of Planning is opposed to the granting of this Special Exception. It is the opinion of this office that the proposed use if granted will be detrimental to the health, safety, and welfare of the neighborhood. Additionally, a structure that although it may be placed on a permanent foundation, gives the appearance of a temporary structure is not desirable in this local neighborhood shopping area.

Section Chief: Jeffrey M. Kay

AFK:

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 24, 1998

FROM: Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 14, 1998
 Item Nos. 216, 217, 218, 219, and
 220

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1214.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

December 11, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ANTHONY C. SCHILLING

Location: DISTRIBUTION MEETING OF December 7, 1998

Item No.: 216 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: December 10, 1998

FROM: R. Bruce Seeley *RB Seeley*
Permits & Development Review
DEPRM

SUBJECT: Zoning Advisory Committee

Meeting for: December 7, 1998

The Department of Environmental Protection and Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 215
216
220
221



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 12.10.98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

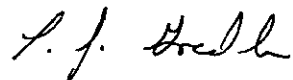
RE: Baltimore County
Item No. 216 (JJS)

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


1. Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

I Anthony C Stilling Authorize

M+H Development To Sign MY
NAME ON ANY PAPERS NEEDED FOR
6126 Edmondson Ave

Anthony C. Stilling

99-216-X

Newton A. Williams

DIRECT DIAL:
(410) 823-7856

Law Offices
NOLAN, PLUMHOFF & WILLIAMS

CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528

(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

JAN 12

January, 7, 1999

Honorable Timothy M. Kotroco, Esq.
Deputy Zoning Commissioner
Courts Building, Fourth Floor
Towson, Md. 21204

Mr. Jeffrey Long
Planning Office
Courts Building, Fourth Floor
Towson, Maryland 21204

Dear Commissioner Kotroco and Mr. Long:

RE: The Stilling Property, 6126 Edmondson Ave.
Case No. 99-216-X, Proposed Site and Building
Improvements

As a result of today's hearing we were pleased to be able to demonstrate the improvements to 6126 that Mr. Stilling has made to it since its acquisition about five years ago, which have received compliments by the neighbors, including:

- 1, Complete site cleanup, including the removal of about 1,500 tires and miscellaneous car parts from a fenced yard west of the Building, and removal of the pump islands and dilapidated tire sheds;
- 2, Renovation of the Building to a uniform appearance with adjacent Catonsville Car Care Center at 6132;
3. Landscaping of 6132 as set out in Case No.90-166-SPH;
4. Plans to incorporate 6126 into the adjoining service garage use and site.

After concluding this hearing, we were able to meet with Mr. Long at Planning, to good effect, as follows:

1. We reviewed how much has been done at 6126 since its takeover, and the before and after pictures;

2. Jeff was pleased by the proposed removal of the storage building by July 1st, and probably sooner;

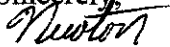
3. Jeff requested that the trees on the 6132 frontage, about two in number be restored, possibly with pin oaks, with Paul Gorman or Vince Moskunas to check with Avery Hardin on this point; and

4. The storage building is to be replaced by an addition to the west end of 6126 in place of the Quonset building, in a similar color scheme and style to the two buildings now there on the two sites.

By a carbon copy of this letter, we are asking Vince Moskunas and Paul Gorman to collaborate on a **revised site plan** with these changes and proposals for approval by the Commissioner and Planning.

Thank you to both of you for your suggestions and help to resolve this matter, and with best regards of the new year to all, I am,

Sincerely,



Newton A. Williams

Fax CC:

Chris Stilling, 410 788 5165

Vince Moskunas , M& H, 410 828 9063

Paul Gorman, AIA, 410 435 8332



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

October 20, 1998

Mr. Anthony C. Stilling
6126 Edmondson Avenue
Baltimore, Maryland 21228-1825

Re: Case No. 98-4398, 6126 Edmondson Avenue, 1st Election District

Dear Mr. Stilling:

Please be advised the hearing date set for November 5, 1998 at 9:00 a.m. has been changed to December 8, 1998 at 9 a.m. in Room 106 of the County Office Building, 111 West Chesapeake Avenue Towson, Maryland 21204.

If you have any questions, please feel free to contact Inspector Michael Johnson at 410-887-3953, voice mail 7304.

Sincerely,



Kitty Popelarski
Office Assistant

c: Stanley Schaprio, Hearing Officer

ins/letter/98-4398

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

P. 002

TEL: 410 654 7566

CAS-USF&G-SYRACUSE

NOV - 23 98 (MON) 10:04

99-216-X

Newton A. Williams

DIRECT DIAL:
(410) 823-7856

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)J. EARLE PLUMHOFF
(1940-1988)RALPH E. DEITZ
(1918-1990)**TELECOPY COVER PAGE**DATE: February 22 and **March 15, and April 15, 1999**

CLIENT/MATTER: 7129-01

TO: Mr. Chris Stilling

FIRM: Catonsville Co. Care

FAX NO: 410 788 5165

PHONE NO. 410 788 1211

NUMBER OF PAGE(S) (INCLUDING COVER SHEET): One

Chris:

I received a call from the Deputy Zoning Commissioner today April 29th, that unless the Revised Site Plan is filed, he will deny the Special Exception. Please immediately advise us all.

Thanks again for working with us on this project.

By a Copy of this fax, I am asking Paul and Vince to let us know the status of the Revised Site Plan for approval by the County, Planning in general, and DE PRM as to landscaping and the zoning decision.

We will receive the special exception upon approval of this Revised Site Plan, and Commissioner Kotroco has the Order ready.

Awaiting word from all, I am

Sincerely,



Newton

Fax CC:

Hon. Timothy Kotroco Esq., Esq. 410 887 3468

Paul Gorman, AIA 410 435 8332

Vince Moskunus, M&H, 410 828 9066

IF FOR ANY REASON YOU NEED TO CONTACT US, PLEASE CALL

Newton Williams, NI'W OR MARCIE

At 410-823-7800

wpdnawfax2998

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(1940-1988)RALPH E. DEITZ
(1918-1990)**TELECOPY COVER PAGE**

DATE: February 22 and March 15, and April 15 and 29, 1999
and May 3, 1999

CLIENT/MATTER: 7129-01

TO: Mr. Chris Stilling

FIRM: Catonsville Car Care, 6132 Edmondson Ave. 21228, Fax and Mail

FAX NO: 410 788 5165

PHONE NO. 410 788 1211

NUMBER OF PAGES (INCLUDING COVER SHEET): One Two

Chris:

I received a call from the Deputy Zoning Commissioner on April 29th, that unless the Revised Site Plan is filed, he will deny the Special Exception. Please immediately advise us all.

May 3rd. Thanks for word from Mr. Chris Stilling that he is in contact with his architect, Mr. Paul Gorman. By a copy of his fax to all, I am confirming a call to Commissioner Kotroco's office that prompt steps are being taken.

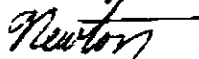
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RALPH E. DEITZ
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TELECOPY COVER PAGE

DATE: February 22 and March 15, 1999

CLIENT/MATTER: 7129-01

TO: Mr. Chris Stilling

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1/7/99
99-216-X

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Newton Williams, atty.

502 Wash Ave. 21204

Anthony C Stelling

7019 GAYMOUNT RD. 21244

MR J GORMAN

5704 Bellona Ave 21212



IN RE: PETITION FOR SPECIAL HEARING
NE/Corner Edmondson Avenue
and Harlem Lane
(6132 Edmondson Avenue)
1st Election District
1st Councilmanic District

Anthony C. Stilling, et ux
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-166-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the previously approved site plan in Case No. 87-233-X to accommodate 14 additional parking spaces, 12 front to back and 2 regular, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Jeffrey Kotz, Esquire. Also appearing on behalf of the Petition was William P. Monk, Land Use Planning & Zoning Consultant. Appearing as an interested party was Ann Power, President, on behalf of Eden Terrace Homeowners' Association. There were no Protestants.

Testimony indicated that the subject property, known as 6132 Edmondson Avenue, consists of 0.284 acres zoned B.L.-C.N.S., and is improved with a one story brick building currently used as a service garage. Said property was the subject matter of previous zoning Case No. 87-233-X in which a special exception was granted to permit the conversion of the subject building from what Petitioners called a delapidated gasoline service station to a service garage. Petitioner thereafter obtained a building permit for and constructed an addition to the existing building to provide an additional 2,637 sq.ft. of service area consisting of 5 more service bays. Said addition was larger than that set forth in the site plan approved in Case No. 87-233-X but in accordance with his permit appli-

ORDER RECEIVED FOR FILING

Date

By

100-233-231-11

cation. Additionally, the driveway in Edmondson Avenue was relocated but Petitioners contend said change was found to be within the spirit and intent of the originally approved plan by the Zoning Office. Mr. Stilling proceeded with the building addition and site improvements in the winter of 1988 and spring of 1989. Petitioners did not landscape the front of the property as approved but instead, at considerable expense, substituted the plantings as depicted in Petitioner's Exhibit 4 which have been determined to be unacceptable.

As a result of a complaint filed with the Zoning Office, an inspection of the property revealed Petitioner was not in compliance with the previously approved site plan and was advised to file the instant Petition to obtain approval of the modifications made to the originally approved site plan in Case No. 87-233-X. Petitioners have agreed to landscape the property as required by the County.

In an effort to meet parking needs generated by this type of business, which Petitioners believe exceeds the minimum required under the parking regulations, Petitioners request permission to park vehicles in accordance with Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) which provides for vehicle parking by attendants when there is no direct access to an aisle. Testimony indicated that the proposed parking arrangement will provide 14 additional parking spaces, as set forth in Petitioner's Exhibit 1, and will minimize overflow parking on the site which is of concern to the Eden Terrace Homeowners' Association as expressed by its President, Ms. Power. Mr. Stilling testified that neither his customers nor employees park on Edmondson Avenue or Harlem Lane and approval of the parking as requested will permit Petitioners the ability to keep cars off adjoining side streets. Petitioners further testified as

AMENDED

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Date

By

W. H. G. Schuman

to the improvements made on the property and the pride they have taken in developing the site. Testimony indicated that since their purchase of the property nearly five years ago, they have invested a considerable sum of money to clean up the site for which they've received compliments from their neighbors. Further testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community and that the relief requested meets the requirements of Section 502.1 of the B.C.Z.R. Ms. Power testified the Eden Terrace Home-owners' Association, which consists of 48 families who reside on the opposite side of Edmondson Avenue from the property, wanted to make sure that cars associated with the subject property did not park on the adjoining residential properties and that the subject property was landscaped in a manner to prevent what she termed as "an industrial look."

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.N.S. zone by special exception and such use was previously granted. It is equally clear that the proposed use and modifications to the previously approved site plan would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

ORDER RECEIVED FOR FILING

Date

By *Beth J. Schukman*

MICROFILMED

cial exception use, irrespective of its location within the zone.
Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the Petition for Special Hearing should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of February, 1990 that the Petition for Special Hearing to amend the previously approved site plan in Case No. 87-233-X and to permit parking pursuant to Section 409.4 of the B.C.Z.R., and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) All employee and/or customer parking shall be provided on site and prohibited on Harlem Lane. Petitioners shall at all times keep records concerning license tags of employees', customers' and their vehicles and permit the Zoning Office access to same upon request to insure compliance with this Order.

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Date

By

MICROFILMED

3) Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner within thirty (30) days of the date of this Order. Said plan shall include tree plantings along Edmondson Avenue and Harlem Lane as determined necessary by the Planning Office to screen the parking as well as landscaping required by the Baltimore County Landscape Manual. A copy of the approved landscaping plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.

4) Petitioners shall at all times maintain the landscaping as approved by the Baltimore County Landscape Planner including that placed in the public right-of-way.

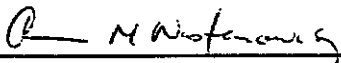
5) Petitioners shall submit proof that the site plan submitted has obtained the approval of the State Highway Administration and Baltimore County's Department of Traffic Engineering within thirty (30) days of the date of this Order.

6) The 24 parking spaces along Edmondson Avenue shall be used only by Petitioners and/or employees of Petitioners' business to move cars in and out for service. Further, said parking shall be limited to the manner set forth in the approved site plan.

7) There shall be no outside storage of damaged or disabled vehicles at any time.

8) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

AMN:bjs


ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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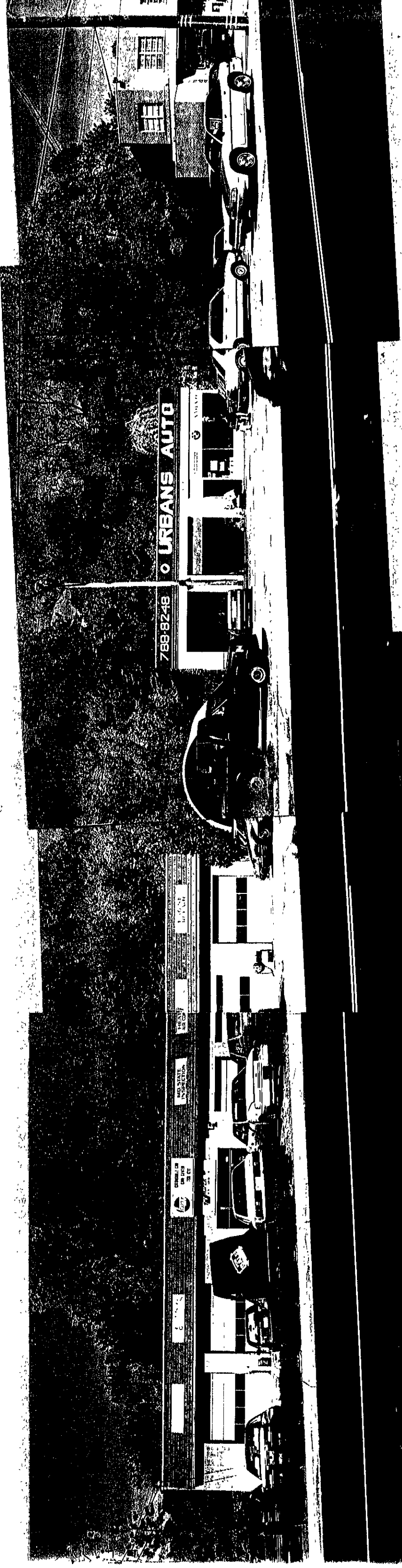
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Date 11/16/90

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Pet. 2.

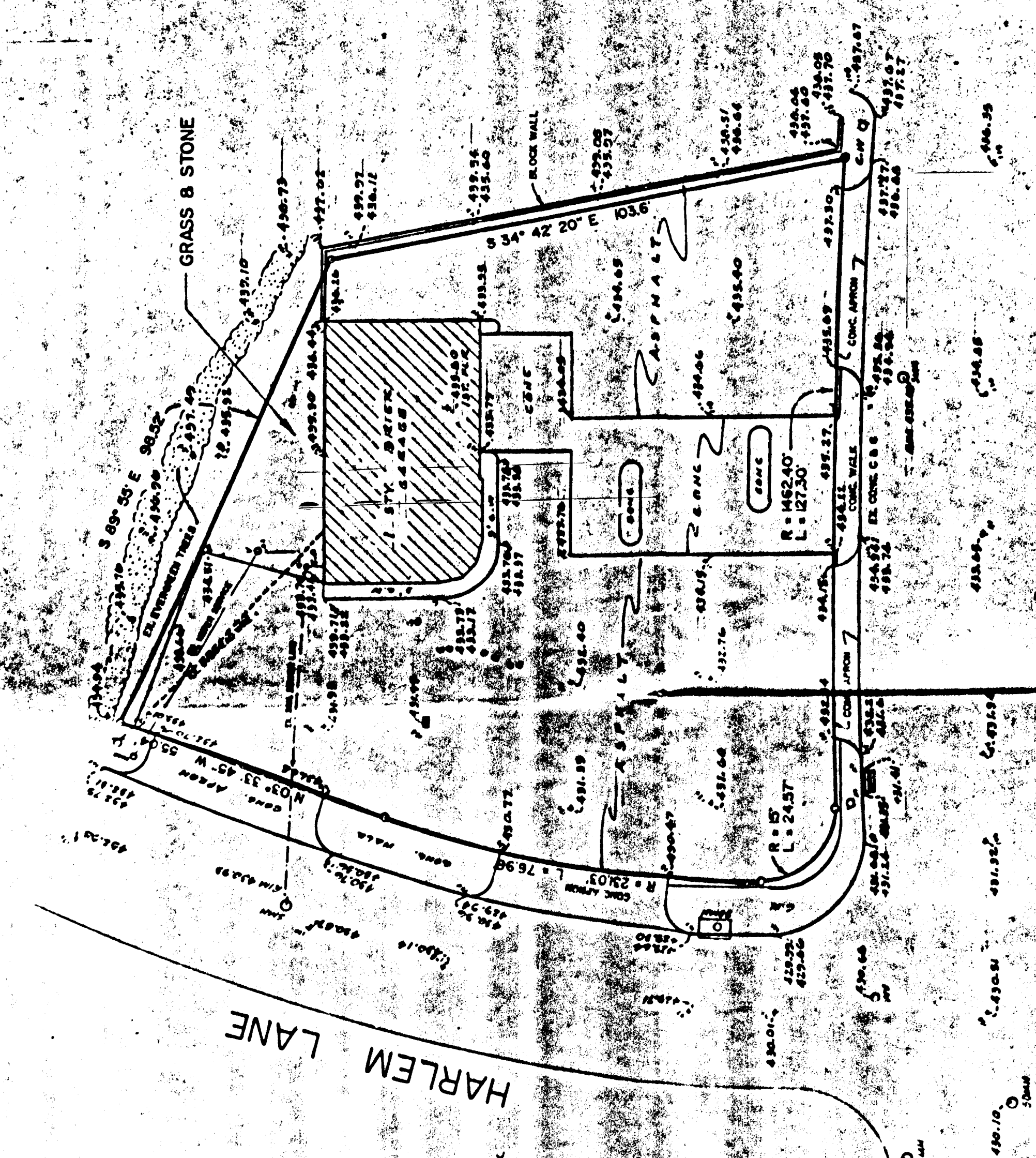
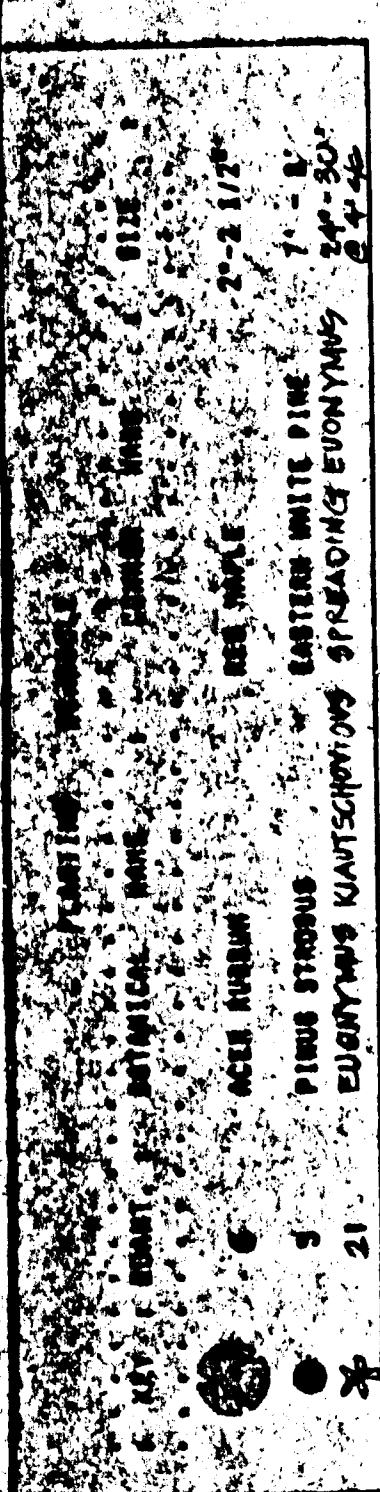
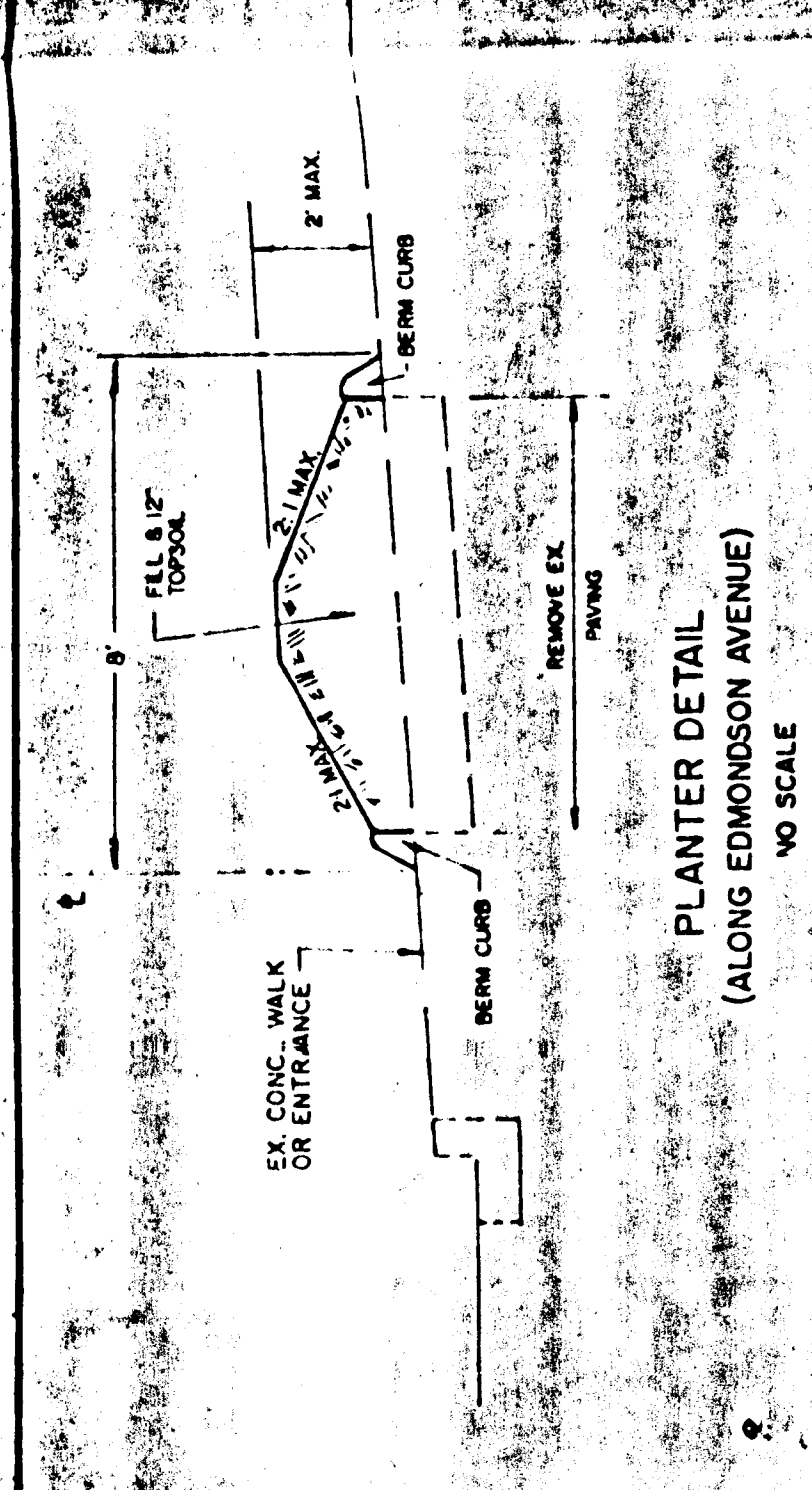


6132 Edmondson Ave. - Case No. 87-233-X
No. 90-166-5PH

6126 Edmondson Ave.
Case No. 99-216-X

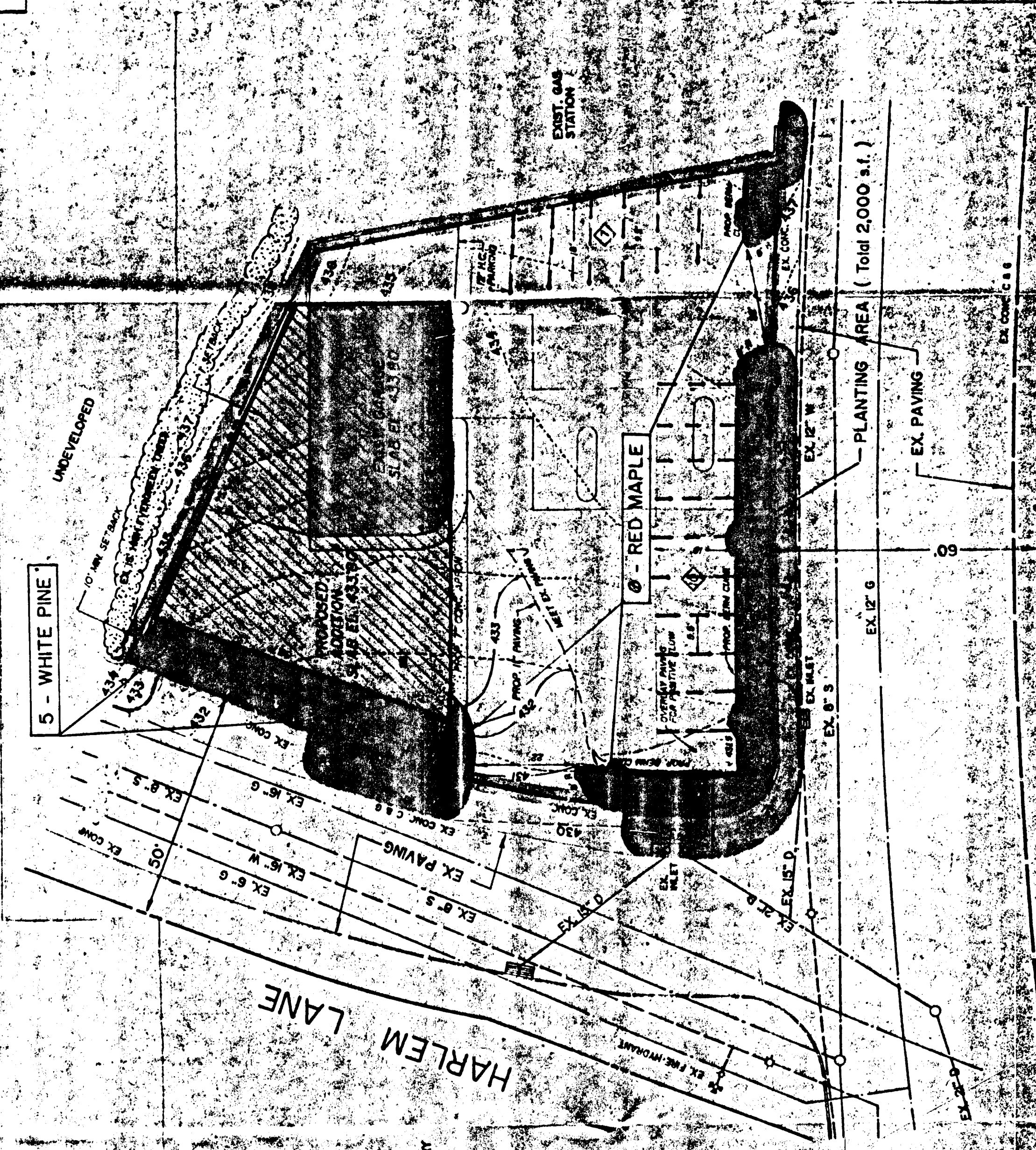
BELTWAY
DRUG STORE

2



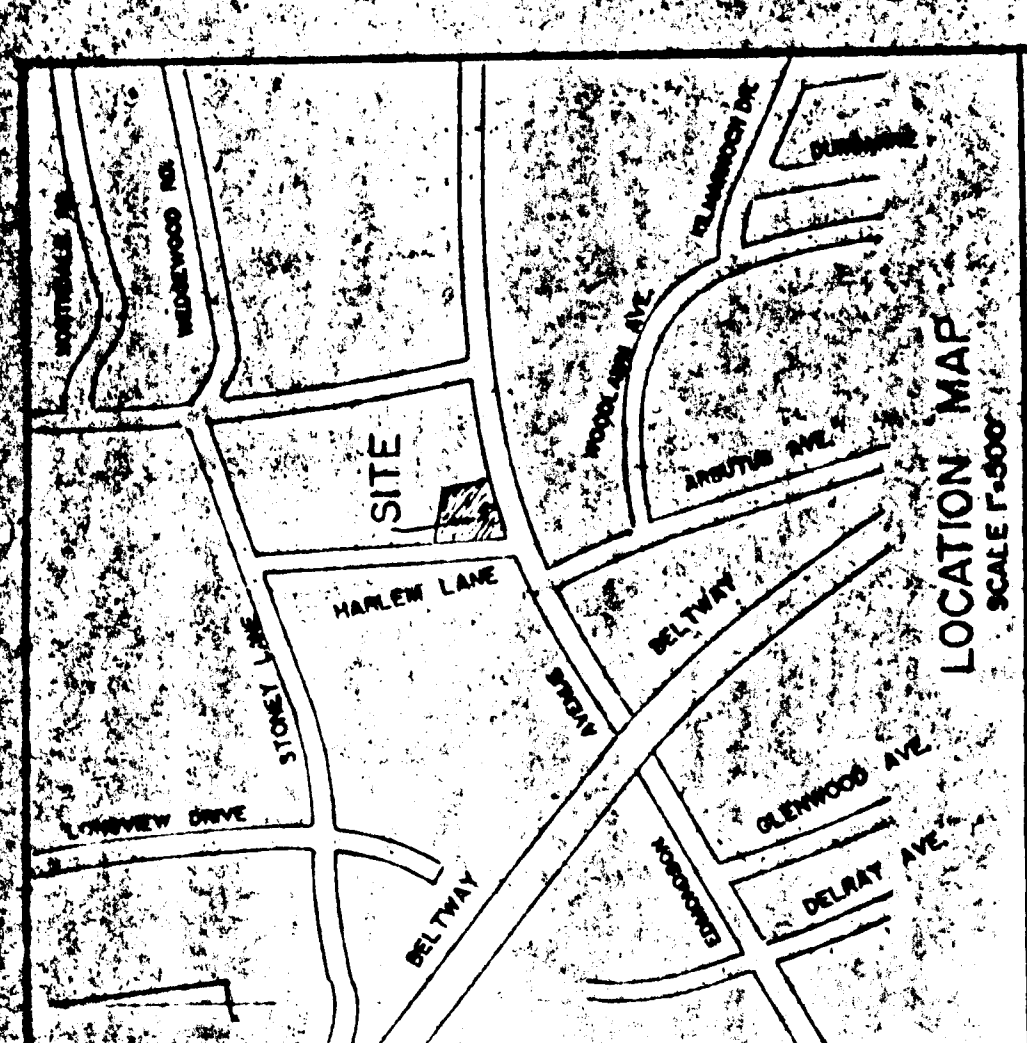
TOPOGRAPHIC SURVEY
SCALE 1" = 20'
EXISTING CONDITION

LANDSCAPE ARCHITECT'S CERTIFICATION
I CERTIFY THAT THE PRESENTED PLAN SUBMITTED IS CONSISTENT WITH THE DATA AND
INFORMATION PROVIDED BY THE CLIENT AND THAT I HAVE NOT BEEN AWARE OF ANY
APPLICABLE POLICY, REGULATIONS, AND ORDINANCES.

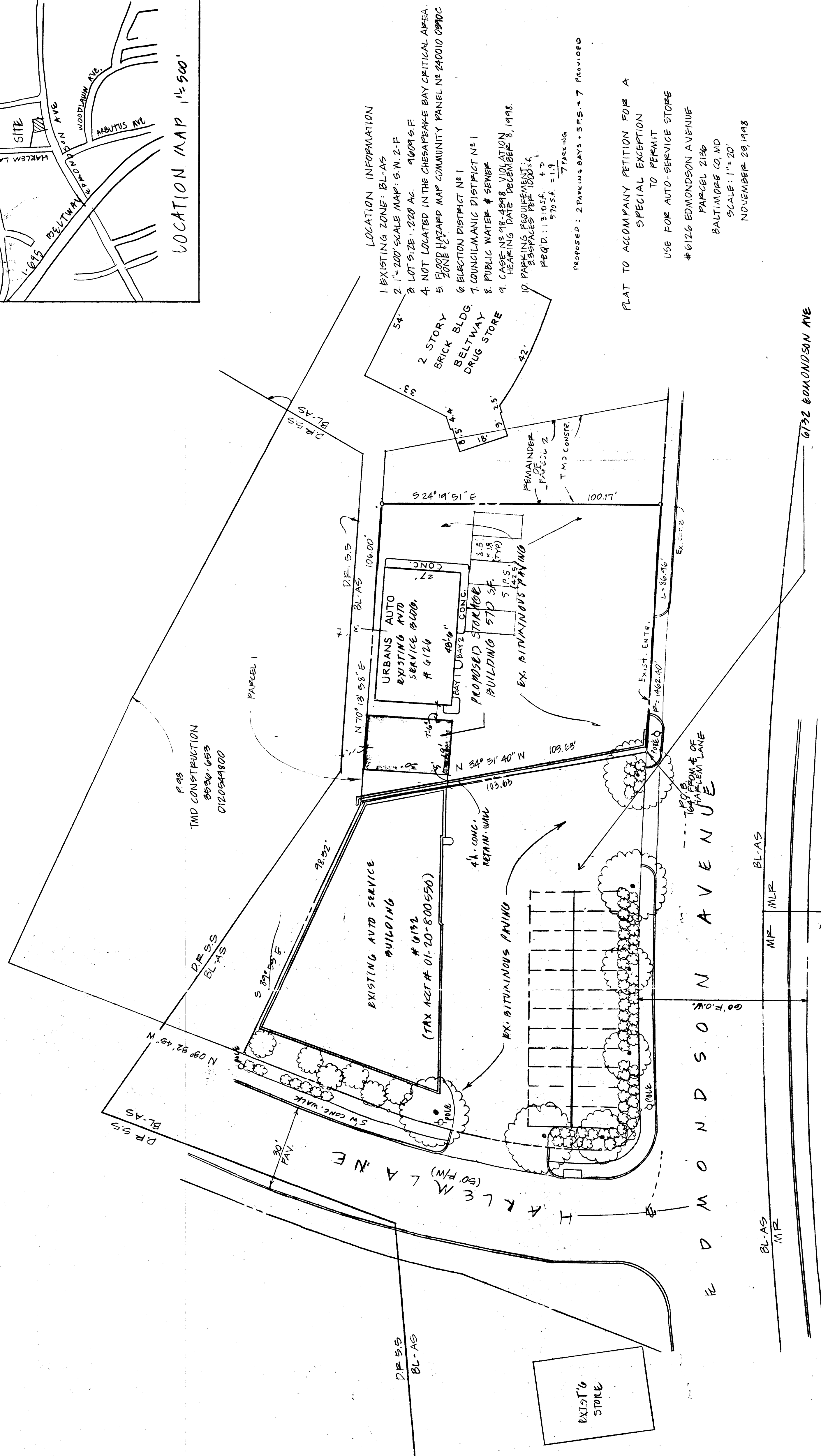
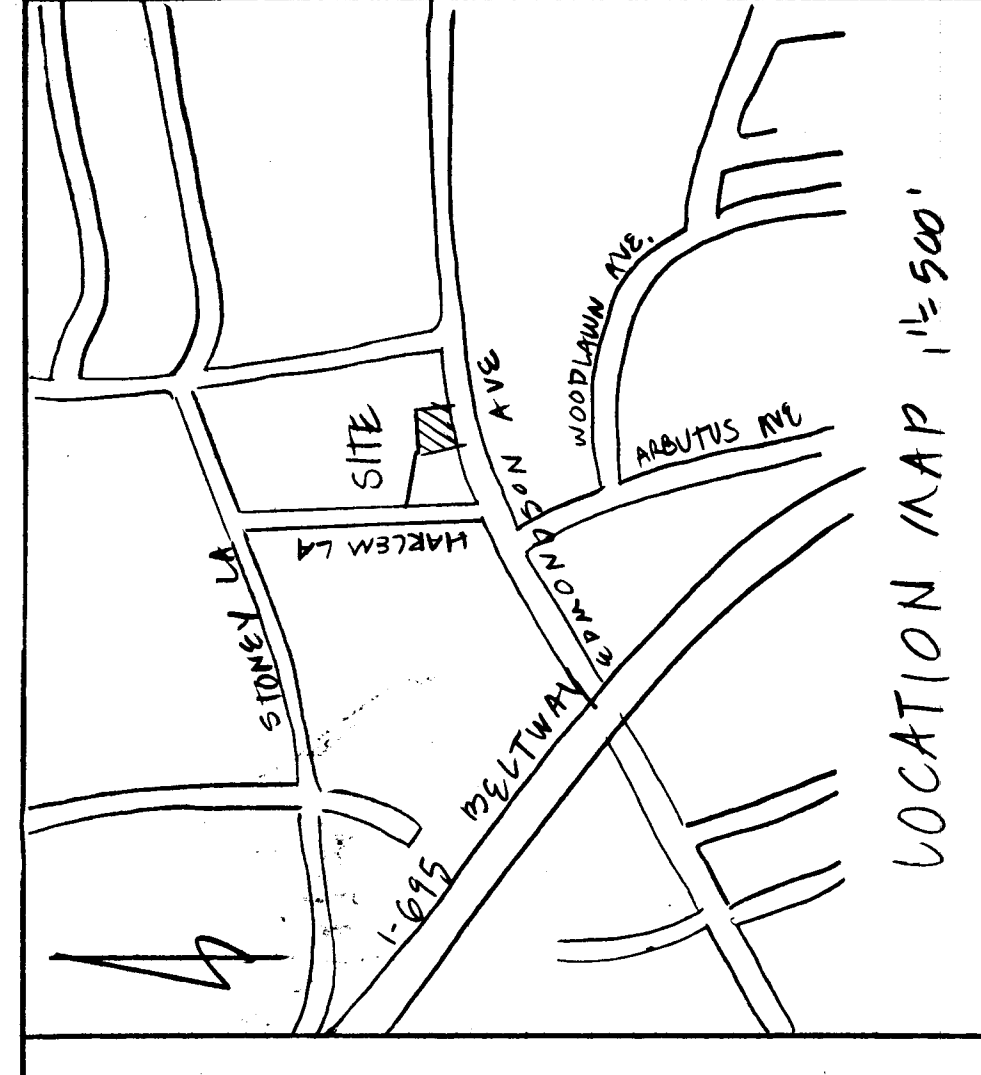
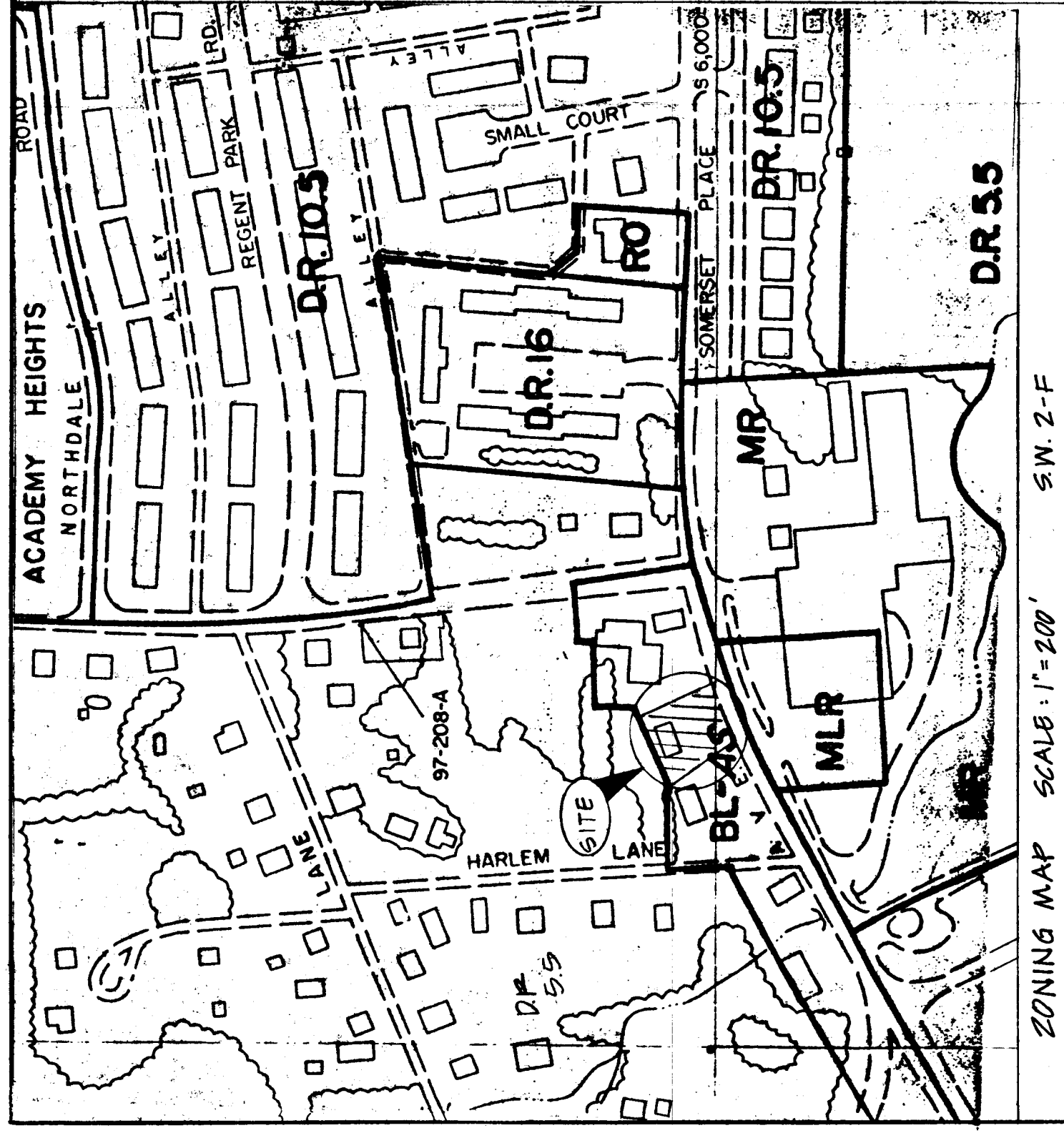


SITE PLAN
SCALE 1" = 20'
PROPOSED CONDITION

NOTE: SEE SITE & EMBLEMENT CONTROL
PLAN FOR GRADE REVISIONS
AND REVISIONS TO ENVIRONMENT
IN WATER RESOURCES MANAGEMENT
(WATER QUALITY SCALE)
SEMI-ANNUAL NOTES
DISTURBED AREA: 2,000 S.F. (0.04 ACRE)
STABILIZED AREA: 2,000 S.F. (0.04 ACRE)
TOTAL: 4,000 S.F. (0.08 ACRE)
LANDSCAPE ARCHITECT'S CERTIFICATION
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LOCATION INFORMATION

1. EXISTING ZONE: ELAS

2. 1" = 200' SCALE MAP: S/N 2 F

3. LOT 57E - 220 AC 9000 SF

4. NOT LOCATED IN THE CHEAPEAKE BAY CRITICAL AREA

5. ELAND HAZARD MAP COMMUNITY PANEL NO. 04000 0900C

6. ELECTION DISTRICT NO. 1

7. COUNCILMANIC DISTRICT NO. 1

8. PUBLIC WATER # SENEF

9. CASE NO. 96-0488, VIOLATION
HEARING DATE: DECEMBER 8, 1998.

10. PAYMENT OF THE 1998 \$2
PROPERTY TAXES
REQD.: 13,056 \$
570 SF = 19

PROPOSED: 2 PARKING BAYS + 5 PS. 2 7 PROVIDED

PLAT TO ACCOMPANY PETITION FOR A
SPECIAL EXCEPTION
TO PERMIT

USE FOR AUTO-SERVICE STORE
#6126 EDMONDSON AVENUE
PARCEL 2136
BALTIMORE CO, MD
SCALE: 1"=20'
NOVEMBER 29, 1998

6132 EDMONDSON AVE

PREVIOUS ZONING HEARINGS
PETITION FOR SPECIAL EXC
CHANGE FROM GAS ST
AMENDMENT TO SPECIAL EN
BIDD, ADDITION, PAR

OWNER: ANTHONY C. STILLING
6132 EDMONDSON AVE
BARTIMORE, MD 21228
TAX MAP: 101 GRID: 2 PAP
DEED REF: 10148-029

TAX ACCT # 22-00-017424

SITE PLANNING

S.C. A.C.E.: 11/2/20

ARCHITECTURAL DRAWINGS

SCALE: 1" = 20'

DATE: 9-30-98

DIVISION 3

**DEVELOPMENT
ENGINEERS, INC.**

200 East Joppa Road
Room 101, Shell Building
Towson, Maryland

PAUL J. BORMAN, ARCHITECT
MEMBER OF THE AMERICAN INSTITUTE OF ARCHITECTS

CATONSVILLE CAR CARE CENTER

99-216-X
A-1

ARCHITECT